



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

**LINDA TIENDA,
Complainant,**

and

**RODMAN AND RENSHAW, INC.,
Respondent.**

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)CHARGE NO(S): 1991CF2191

)EEOC NO (S): 21B921244

)ALS NO(S): 8247

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RECOMMENDED ORDER AND DECISION

This matter was before me on scheduled status conference on this matter, which has been stayed due to Respondent's pending federal bankruptcy petition. Complainant's counsel was available. Counsel for Respondent's Bankruptcy Trustee, Brauner, Baron, Rosenweig & Klein, LLP, represented by Ms. Frome, was available for Respondent. Respondent's counsel represented that all remaining funds from the Respondent debtor's estate have been distributed to the creditors and the federal bankruptcy matter has been closed. Respondent, therefore, made an oral motion to dismiss and Complainant represented that she did not oppose the motion.

FINDINGS OF FACT

Based on the record, I make the following findings of fact:

1. Complainant filed a Charge with the Department of Human Rights (Department) on Feb 7, 1991, alleging that Respondent discriminated against her in violation of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.* Respondent is a stock brokerage firm, which was located in Chicago, Illinois at the time of the Charge.
2. The Department filed a Complaint on behalf of the Complainant with the Illinois Human Rights Commission (Commission) on June 23, 1994, amended Sept 20, 1994.

3. On July 19, 1994, the law firm Piper Marbury Rudnick & Wolfe filed an appearance as legal counsel, on behalf of Respondent.
4. On March 20, 2000, Brauner Baron Rosenweig & Klein, LLP, filed an appearance as counsel to Alan Nisselson, the Bankruptcy Trustee of Respondent.
5. On March 24, 2000, Brauner Baron Rosenweig & Klein, LLP, filed a pleading on behalf of Respondent requesting a stay of this matter, indicating that Respondent was currently a party to a federal bankruptcy proceeding .
6. On June 20, 2000, an order was entered scheduling the matter for a telephone status hearing set for December 18, 2000.
7. On December 18, 2000, a telephone status hearing was held and the matter was stayed pending resolution of the federal bankruptcy matter.
8. On August 8, 2001, Respondent's counsel, Piper Marbury, Rudnick & Wolfe filed a motion to withdraw, which was granted August 30, 2001. The motion alleged that Respondent had filed for bankruptcy on March 18, 1998, that the bankruptcy was a Chapter 7 liquidation, that the Respondent was out of business, and that the Bankruptcy Trustee had directed Piper Marbury Rudnick & Wolfe to discontinue any work on this matter.
9. Further status hearings were held January 8, 2002, June 18, 2002, January 7, 2003, May 6, 2003, November 20, 2003, January 13, 2004, and February 5, 2003.
10. Ms. Frome of Brauner Baron Rosenweig & Klein, LLP, counsel for the bankruptcy trustee, and Ms. Kinoy, counsel for Complainant, both participated in the February 5, 2003 telephone status hearing. Ms. Frome advised this tribunal that all remaining funds from the Respondent debtor's estate had been distributed to the creditors and that the federal bankruptcy matter had been closed. Said

counsel made an oral motion to dismiss this matter with prejudice and Complainant represented that she did not oppose the motion.

CONCLUSION OF LAW

Respondent has represented that the Federal Bankruptcy Court has distributed the remainder of its estate to creditors and has closed the bankruptcy estate. As Complainant does not oppose the motion, there is no reason not to grant it.

DISCUSSION

Respondent has reported that the Bankruptcy Court has finalized the proceedings pending before it, distributed all of the remaining assets and closed the Chapter 7 bankruptcy estate. Based on this representation, Respondent made an oral motion to dismiss this matter. Complainant had an opportunity to be heard on the motion and advised that she did not oppose it. As Complainant has put forth no reason not to grant the motion and has advised this tribunal that she does not oppose Respondent's motion to dismiss, there appears no just reason not to grant said motion.

RECOMMENDATION

Accordingly, I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section

ENTERED: February 6, 2004